

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	MDL NO. 1456
LITIGATION	)	CIVIL ACTION NO. 01-12257
	)	
THIS DOCUMENT RELATES TO	)	
<b>ALL ACTIONS</b>	)	
	)	

**PROPOSED CASE MANAGEMENT ORDER NO. 13**

In view of the significance that final rulings on the pending motion for class certification will have on the scope of this litigation, and in order to conserve the resources of the parties and the Court, the deadlines established in Case Management Order No. 10 with respect to fact discovery, expert reports on liability, summary judgment motions on liability and a hearing thereon are hereby vacated and the following schedule is established.

### I. Phase I Schedule

As used herein, “triggering date” means the date of an unappealed order by this Court on the pending motion for class certification or the final judgment of the United States Court of Appeals for the First Circuit in any appeal of this Court’s order on the pending motion for class certification.

1. 150 days after triggering event -- close of fact discovery
2. 210 days after triggering event -- plaintiffs serve expert reports
3. 270 days after triggering event -- defendants serve expert reports on liability and motions for summary judgment

4. 330 days after triggering event -- plaintiffs serve oppositions to defendants' motions for summary judgment

5. 360 days after triggering event -- defendants serve replies on their motions for summary judgment

6. 375 days after triggering event -- plaintiffs serve surreplies on defendants' motions for summary judgment

## II. Phase II Schedule

1. 60 days after triggering event -- plaintiffs file motion for class certification and expert reports in support thereof.

2. 90 days after triggering event -- discovery of plaintiffs' experts on class certification completed.

3. 110 days after triggering event -- defendants file opposition to class certification and expert reports in support thereof.

4. 140 days after triggering event -- discovery of defendants' experts on class certification completed.

5. 150 days after triggering event -- plaintiffs' reply on class certification filed.

6. 165 days after triggering event -- any surreply shall be filed.

7. 165 days after triggering event -- close of phase II fact discovery.

8. Following the Court's decision on the phase I defendants' motions for summary judgment, the Court will hold a case management conference to establish the schedule for the remainder of the phase II aspect of the case, including establishing a briefing schedule for phase II defendants' summary judgment motions.

**IT IS SO ORDERED**

DATED: \_\_\_\_\_

\_\_\_\_\_  
Hon. Patti B. Saris  
United States District Court Judge